THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 33531 of 1997

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DATED: 28.03.2006

Between:

U.P. Muni Reddy & others.

... PETITIONERS

AND

The Assistant Director of Mines & Geology,

Kurnool District & others.

... RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 33531 of 1997

ORDER:-

The case of the petitioners is that in a similar and identical writ petition being WP.No.9468 of 1997, the respondents therein were directed to collect royalty as per Rule 31 of the Mines and Minerals Act, and the action of the respondents herein in collecting separate royalty from them in respect of Minor Minerals material of the lease granted in their favour is illegal and arbitrary.

Learned Government Pleader appearing for the respondents submitted that WP.No.9468 of 1997 was dismissed on 27.06.2001 and as per Schedule II of Rule 10 of A.P.M.C. Rules 1966 the petitioners are bound to pay the advance dead rent to their leases at the time of execution and subsequent year at the commencement of the year in advance only and they have to pay the seigniorage fee in advance as per the schedule rates and obtain a valid dispatch permit under Rule 34 of APMMC Rules 1966. The minimum dead rent or seigniorage fee is only collected as the petitioners have to pay the advance seigniorage fee before dispatching the mineral and if the seigniorage fee is collected more than the advance dead rent at the time of finalisation of assessment year, the advance dead rent paid thereon will be carried out to the next financial year towards advance dead rent. It is stated that if the seigniorage fee is less than the advance dead rent, the dead rent paid thereon will be the amount of seigniorage for that financial year. It is also stated that if the lease period is expired, the advance dead rent will be adjusted towards arrears of the seigniorage fee and if any excess amount is available that will be refunded against the advance dead rent and only the excess amount of seigniorage fee due is collected, but not royalty.

In view of the submissions made by the learned Government Pleader, I do not see any merits in the writ petition and the same is dismissed. No order as to costs.

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28.03.2006

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